

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Rebecca Snow

Appl. No.: To be assigned

*(Continuation Patent Application of
09/838,345 filed April 20, 2001)*

Filed: *Herewith*

**For: Moldable Article, Method of
Making and Composition for
Making Moldable Articles**

Confirmation No.: To be assigned

Art Unit: To be assigned

Examiner: To be assigned

Atty. Docket: 1128.2650002/TGD/RLP

Information Disclosure Statement

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Applicant has listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicant has checked the appropriate boxes below.

- ☐ 1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- ☒ 2. Filing under 37 C.F.R. § 1.97(b). This Information Disclosure Statement is being filed within three months of the date of filing of a national application other than a continued prosecution application (CPA), OR within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, OR before the mailing date of a first Office Action on the merits OR before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.
- ☐ 3. Filing under 37 C.F.R. § 1.97(c). This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.

- ☐ a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- ☐ b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☐ c. Attached is our PTO-2038 Credit Card Payment Form in the amount of \$_____ in payment of the fee under 37 C.F.R. § 1.17(p).
- ☐ 4. Filing under 37 C.F.R. § 1.97(d) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Enclosed find our PTO-2038 Credit Card Payment Form in the amount of \$_____ in payment of the fee under 37 C.F.R. § 1.17(p); in addition:
- ☐ a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign

application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

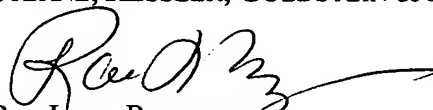
- ☐ b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☐ 5. The document(s) was/were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38.
- ☐ 6. A concise explanation of the relevance of the non-English language document(s) appears below:
- ☐ 7. Copies of the documents are submitted herewith.
- ☒ 8. Copies of the documents were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. 09/838,345, filed April 20, 2001, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Attorney for Applicant
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Date: 3/04/2004

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FORM PTO-1449 INFORMATION DISCLOSURE STATEMENT				ATTY. DOCKET NO. 1128.2650002/TGD/RLP		APPLICATION NO. To be assigned	
				FIRST NAMED INVENTOR Rebecca Snow			
				FILING DATE Herewith		ART UNIT To be assigned	
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA1	2,206,029	07/1940	Daniels			
	AB1	3,391,595	07/1968	Iwai			
	AC1	3,641,688	02/1972	von den Benken			
	AD1	3,895,405	07/1975	Edwards			
	AE1	3,902,940	09/1975	Heller, Jr., <i>et al.</i>			
	AF1	4,219,361	08/1980	Sutton <i>et al.</i>			
	AG1	4,237,626	12/1980	Brown			
	AH1	4,272,898	06/1981	Tansill			
	AI1	4,413,429	11/1983	Power			
	AJ1	4,443,494	02/1984	Courvoisier <i>et al.</i>			
	AK1	4,669,142	06/1987	Meyer			
FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL1	WO 85/03624	08/1985	PCT			Yes No
	AM1	DE 3437-786 A	04/1986	Germany			Yes No
	AN1						Yes No
	AO1						Yes No
	AP1						Yes No
OTHER (Including Author, Title, Date, Pertinent Pages, etc.)							
	AR	<u>1</u>	Collier, J. "A Moist, Odour-Free Environment: A Multicentred Trial of a Foamed Gel and Hydrocolloid Dressing," 7 Professional Nurse 804, 806 and 808 (September 1992).				
	AS	<u>1</u>	Mennen, U., "A Simple, Comfortable, Conforming, and Adaptable Splint," 14 The Journal of Hand Surgery 576-78 (May 1989).				
	AT	<u>1</u>	Fish, F.S., et al., "Aquaplast Thermoplastic (Opti-Mold)," 20 J. Dermatol. Surg. Oncol. 239-44 (April 1994).				
EXAMINER					DATE CONSIDERED		
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.							

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U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA2	4,728,566	03/1988	Lancaster <i>et al.</i>			
	AB2	4,800,115	01/1989	Havens			
	AC2	4,955,909	11/1990	Ersek <i>et al.</i>			
	AD2	4,962,593	11/1990	Brown			
	AE2	4,969,968	11/1990	Leatherman			
	AF2	5,021,293	06/1991	Huang <i>et al.</i>			
	AG2	5,035,713	07/1991	Friis			
	AH2	5,089,556	02/1992	Tabor <i>et al.</i>			
	AI2	5,095,570	03/1992	Bar <i>et al.</i>			
	AJ2	5,096,761	3/1992	Roberts <i>et al.</i>			
	AK2	5,123,180	06/1992	Nannig <i>et al.</i>			

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL2						Yes No
	AM2						Yes No
	AN2						Yes No
	AO2						Yes No
	AP2						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	2	Steinberg, G., et al., "Dry Gangrene of Toes: Managed with Foam Rubber Boots and Ambulation," 76 N.Y. State J. Med. 907-11 (June 1976).
	AS	2	Schmidtadel, W., "The Treatment of Decubitus Ulcers with Polyester Foam-Rubber," 12 Germ. Med. Mon. 539-40 (November 1967).
	AT	2	

EXAMINER

DATE CONSIDERED

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	AA3	5,254,197	10/1993	Klems			
	AB3	5,294,763	03/1994	Chamberlain <i>et al.</i>			
	AC3	5,326,354	07/1994	Kwarteng			
	AD3	5,555,584	09/1996	Moore, III <i>et al.</i>			
	AE3	5,658,330	08/1997	Carlisle <i>et al.</i>			
	AF3	5,667,621	09/1997	Dougherty <i>et al.</i>			
	AG3	5,698,306	12/1997	Proise <i>et al.</i>			
	AH3	5,733,647	03/1998	Moore, III <i>et al.</i>			
	AI3	5,762,854	06/1998	Valyi			
	AJ3	5,829,171	11/1998	Weber <i>et al.</i>			
	AK3	5,855,818	01/1999	Gan <i>et al.</i>			

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL2	WO 85/03624	08/1985	PCT			Yes No
	AM2	DE 3437-786 A	04/1986	Germany			Yes No
	AN2						Yes No
	AO2						Yes No
	AP2						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	<u>3</u>	Collier, J. "A Moist, Odour-Free Environment: A Multicentred Trial of a Foamed Gel and Hydrocolloid Dressing," 7 Professional Nurse 804, 806 and 808 (September 1992).
AS	<u>3</u>	Mennen, U., "A Simple, Comfortable, Conforming, and Adaptable Splint," 14 The Journal of Hand Surgery 576-78 (May 1989).
AT	<u>3</u>	

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